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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL.0372US (P8591)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>11/3/2005</u></p> <p>Signature <u>[Signature]</u></p> <p>Typed or printed name <u>Jennifer Juarez</u></p>		Application Number 09/595,804	Filed June 16, 2000
		First Named Inventor Eric C. Hannah; Benjamin M. Cahill, III	
		Art Unit 2131	Examiner Taghi T. Arani
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <u>42,117</u> Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p><u>[Signature]</u> Signature Mark J. Rozman Typed or printed name</p> <p><u>(512) 418-9944</u> Telephone number</p> <p><u>November 3, 2005</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Eric C. Hannah; Benjamin M. Cahill, III	§	Group Art Unit:	2131
		§		
Serial No.:	09/595,804	§		
		§	Examiner:	Taghi T. Arani
Filed:	June 16, 2000	§		
		§		
For:	Conditional Access Television Sound	§	Atty. Dkt. No.:	ITL.0372US (P8591)
		§		
		§	Assignee:	Intel Corporation

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants seek pre-appeal review of the rejection of claims 11, 12, 18, 28-29, and 30-33 under 35 U.S.C. §102(b). Applicants further seek review of the rejection of claims 11, 13-15, 19-21 and 24-29 under 35 U.S.C. §103(a).

First as to the §102(b) rejection, it is unclear what claims are actually rejected under §102(b). In this regard, while the Office Action states that claims 11, 28 and 29 stand rejected under §102(b), there is no discussion in the Final Office Action as to the basis for the rejection of these claims. If these claims 11, 28 and 29 are not rejected under §102(b), Applicants respectfully request clarification thereof. If instead such a rejection is maintained, Applicants respectfully request a basis for the rejection.

As to claims 12 and 18, the rejection under §102(a) cannot stand since the alleged anticipatory reference, McAdam, nowhere teaches either a graphics pattern generator to provide a graphics pattern to add to a frame of an analog video signal (as recited by claim 12), nor a device to remove a graphics overlay added to a frame of an analog video signal (as recited by claim 18). As discussed more fully in Applicants' Reply to Office Action Mailed March 7, 2005

Date of Deposit: November 3, 2005

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Jennifer Juarez

(see pp. 6-7), McAdam merely discloses reversing, inversing, or line spin scrambling given lines of a video signal. McAdam, col. 7, lns. 25-59. There is no teaching of either a graphics pattern generator nor adding such a graphics pattern to an analog video signal frame. Thus there is a clear error in the §102(b) rejection of claims 12 and 18 and their dependent claims 30-33 (and claims 11, 28 and 29, if they stand rejected on this ground).

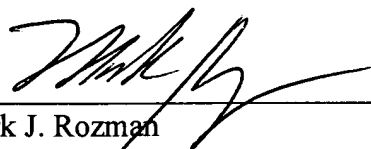
For at least the same reasons, the rejection of claims 11, 28 and 29 under §103(a) over McAdam and further in view of Williams is also clearly erroneous, as neither reference teaches or suggests generating an analog video signal with a graphical overlay pattern.

Because claims 13-15, 19-21, and 24-27 depend from claims 12 and 18, discussed above, the §103(a) rejection over McAdam and in view of Chouly or in the alternative Williams is also clearly erroneous. In this regard, for the same reasons that McAdam fails to teach either a graphics pattern generator or a graphics pattern that is added to a frame of an analog video signal, so too does this combination of either McAdam and Chouly or McAdam and Williams fail to teach or suggest this claimed subject matter. Accordingly, the rejection of these dependent claims 13-15, 19-21 and 24-27 is clearly erroneous.

Because the above rejections are clearly erroneous the need for an appeal should be avoided.

Respectfully submitted,

Date: November 3, 2005



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